

1 rest of my life.

2 Q. Okay. How old was your father when he
3 passed away, ma'am?

4 A. He was 71 when he died.

5 (Exhibit 60 marked.)

6 Q. Hand you what has been marked as
7 Exhibit 60.

8 Have you ever seen a PeopleSoft report
9 from FedEx?

10 A. I don't recall.

11 Q. Okay. You notice it says 12/15/2019, the
12 first line, and it says your earnings were
13 \$5,229.34. That was your gross pay.

14 Was that your typical paycheck towards the
15 end of your employment with FedEx?

16 A. I don't recall specifically what my pay
17 was at the end of my career, but if this is from
18 PeopleSoft that would have transitioned to ADP,
19 then, yes, that would be accurate.

20 Q. Okay. When you worked at Brinks Home, did
21 you receive health benefits?

22 A. I did.

23 Q. Did you -- were you able to participate in
24 a 401(k) or other retirement plan?

25 A. I did but I did not participate.

1 Q. Okay. Did Brinks Home offer any employer
2 match to their 401(k) had you chosen to participate?

3 A. I don't recall.

4 Q. Okay. What about McKesson, do you
5 currently receive health benefits from McKesson?

6 A. Yes.

7 Q. Do you participate in any retirement plans
8 or any other ERISA-type plans?

9 A. Not yet; I just started.

10 Q. Okay. There's a waiting period until --

11 A. Yes.

12 Q. -- you can participate?

13 A. Uh-huh.

14 Q. When you're eligible to participate, do
15 they have a 401(k)?

16 A. Yes.

17 Q. And do you know, ma'am, whether or not
18 they provide an employer match for their 401(k)?

19 A. I haven't seen the specifics so I can't
20 give you details on that.

21 MR. SANFORD: I'll get you details.

22 MR. BABCOCK: Okay. Thanks.

23 Q. What's JHShopSpot, LLC?

24 A. It's actually JH, it's my initials,
25 ShopSpot.

1 Q. Okay. JHShopSpot, LLC?

2 A. Yes.

3 Q. That's how you pronounce it?

4 A. That is correct.

5 Q. Okay. And what is that entity?

6 A. It's a T-shirt and apparel business.

7 Q. And are you the sole member of that LLC?

8 A. Yes.

9 Q. Okay. And you obviously do custom
10 T-shirts and other apparel?

11 A. Unique designs that I create myself and,
12 yes, some custom designs.

13 Q. And when did you start that company?

14 A. It will be two years June 1st.

15 Q. So you started it June 1st of 2020?

16 A. Yes.

17 Q. Okay. And is the company profitable?

18 A. I can't recall, like, the specifics of my
19 accounting right now. My accountant is looking at
20 that.

21 Q. Okay. So you pay someone to keep the
22 books?

23 A. Yes. I have not paid them yet, but I will
24 pay them.

25 Q. Fair enough.

1 And do you -- is it your intention to
2 still run that business even though you're working
3 at McKesson?

4 A. Yes.

5 Q. Did you ever apply for a job at UPS?

6 A. Yes.

7 Q. And what kind of job did you apply for at
8 UPS?

9 A. I don't recall specifically. I applied
10 for several jobs.

11 Q. Were they in the UPS's sales organization?

12 A. I don't recall specifically.

13 Q. Did you ever receive an interview from
14 UPS?

15 A. No.

16 Q. Did you ever apply for a job with DHL?

17 A. No.

18 Q. Do you know what DHL is?

19 A. Yes.

20 Q. Do you know, does DHL have salespeople in
21 the United States?

22 A. Yes.

23 Q. Why didn't you apply for a job at DHL?

24 A. Because at the time when I researched,
25 they didn't have any openings, and the stability of

1 their U.S. sales organization has been unstable.

2 Q. Okay. When is the last time you checked
3 on whether or not DHL had any job openings?

4 A. Not since I have been employed.

5 Q. Okay. Same question about UPS, when is
6 the last time you checked to see if UPS had any open
7 jobs that you would be qualified for?

8 A. Not since I have been employed.

9 Q. Did you ever apply for a position with the
10 United States Postal Service?

11 A. Yes.

12 Q. And what kind of job did you apply for
13 with the post office?

14 A. I applied for several. I don't recall
15 specifically which one.

16 Q. Did you ever receive an interview?

17 A. No.

18 Q. When is the last time you looked to see if
19 the post office was hiring?

20 A. Not since I have been employed.

21 Q. From the time you were employed with
22 Brinks Home until you were laid off in December
23 of 2021, did you apply for any other jobs while you
24 were employed by Brinks Home?

25 A. While I was employed or after I was laid

1 off?

2 Q. While you were employed by Brinks Home,
3 did you ever apply for another job?

4 A. No.

5 Q. And since you started a job with McKesson,
6 have you applied for any other jobs?

7 A. No. I applied for them all at the same
8 time.

9 Q. Okay. During the period of unemployment
10 between Brinks Home and McKesson, did you apply for
11 any jobs with UPS?

12 A. Not that I can recall at this time.

13 Q. Did you apply for any jobs with DHL?

14 A. No.

15 Q. Do you know whether or not UPS or DHL had
16 any job openings during that window of unemployment
17 between Brinks Home and McKesson?

18 A. Not that I can recall at this time.

19 Q. Did you apply for a job with the post
20 office between the Brinks Home position and the
21 McKesson position?

22 A. No.

23 Q. Do you recall whether or not you looked to
24 see if the post office was hiring during that window
25 of unemployment after the Brinks job before the

1 McKesson job?

2 A. I do not recall.

3 Q. I apologize, Ms. Harris, I meant to ask
4 you this question when we were going through the
5 initial disclosures.

6 Are you aware, ma'am, whether or not
7 anyone has signed any statements regarding your
8 lawsuit?

9 MR. SANFORD: Yeah, it's work product.
10 It wouldn't be in state court, but in federal court,
11 it's work product. But I don't mind telling you we
12 don't have any statements at this time, but I do
13 claim that that is work product.

14 That was Hickman v. Taylor. I mean,
15 you know, but Hickman v. Taylor was whether or not a
16 witness statement could be produced. And the
17 defense -- insurance defense guy said no, and the
18 Supreme Court upheld it and said witness statements
19 by defense -- insurance defense attorney not --
20 cannot be produced to the plaintiff's attorney. And
21 then they went further and said it also includes
22 mental process and whatever else. So state court
23 Texas, yes, anyway.

24 But I will tell you we don't have
25 any --

1 MR. BABCOCK: Okay.

2 MR. SANFORD: -- at this time.

3 Q. Ms. Harris, did you turn over all
4 documents in your possession about your allegations
5 involving FedEx to your attorneys?

6 A. Yes.

7 Q. And is it your understanding that your
8 first set of attorneys turned over documents you may
9 have provided them to your -- either to you or to
10 your new lawyers?

11 A. Yes.

12 Q. I notice in your document production, you
13 include what appear to be pictures of Michelle Lamb.

14 Do you know what I'm talking about?

15 A. I don't recall.

16 Q. They're pictures of Michelle Lamb in a
17 bathing suit from a magazine?

18 A. I don't recall.

19 Q. Okay. Can you think of any reason why a
20 picture of Michelle Lamb in a bathing suit would be
21 relevant to your lawsuit?

22 A. Yes.

23 Q. Okay. Why would a picture of Michelle
24 Lamb in a bathing suit be relevant to your lawsuit?

25 A. Because it contradicts a complaint that

1 was made about me of my profile picture on Facebook
2 from Casey Millner that it was inappropriate that I
3 had a spaghetti strap dress on and that I was
4 supposed to be someone's manager and that that
5 didn't demonstrate good leadership.

6 So if I was accused of poor leadership
7 because of a spaghetti strap dress that he used to
8 try and determine my character because of that, the
9 pictures of Michelle Lamb being a director that is
10 public information to a mass of people -- customers,
11 employees, things of that nature where she is
12 exposed in less clothing than I have is something
13 that should have been considered and requested to be
14 removed also.

15 Q. Okay. So Casey Millner raised a complaint
16 to someone about a social media profile picture you
17 had?

18 A. Yes.

19 Q. And who did -- who's Casey Millner again?

20 A. He was my white peer on Michelle's team.

21 Q. Okay. And who did Casey Millner raise
22 this concern to?

23 A. He raised it in a team meeting in which I
24 wasn't in attendance.

25 Q. Okay. And what happened to Mr. Millner's

1 complaint? Were you told you had to take the
2 picture down?

3 A. Yes. They said it was inappropriate.

4 Q. Who said it was inappropriate?

5 A. Several people.

6 Q. Do they have names or can you tell me
7 their names?

8 A. I don't recall specifically, but I did
9 have a conversation with Jim Wallace about it. And
10 while there wasn't any supporting evidence on why
11 this picture was inappropriate, I still respected
12 the guidance. And while the picture is still on my
13 social media page, it is not a part of my profile
14 anymore.

15 Q. Okay. So Jim Wallace instructed you to
16 take the picture down?

17 A. He didn't force me; he encouraged.

18 Q. Okay. Did anyone tell you you had to take
19 the picture down at FedEx?

20 A. Jim Wallace encouraged but did not
21 require.

22 Q. Okay. Did anyone else at FedEx tell you
23 you had to take the picture down?

24 A. Not that I can recall but --

25 Q. Okay. How did you find the picture of --

1 pictures of Michelle Lamb?

2 A. Google.

3 Q. All right. So you just enter her name in
4 a Google search engine?

5 A. Yes.

6 Q. Okay. And were you just searching to see
7 if you could find pictures of Michelle Lamb or did
8 you have reason to believe those pictures existed?

9 A. No. A customer had one of them
10 screenshotted on their phone, and so they brought it
11 to my attention first.

12 Q. Which customer was that?

13 A. It was a customer, Nailor. I don't
14 remember specifically who the person at Nailor
15 Industries was, but he had the screenshot of her
16 picture on his phone.

17 Q. Was Nailor your customer?

18 A. Yes.

19 Q. Are you married, ma'am?

20 A. No.

21 Q. Are you divorced?

22 A. No.

23 Q. Never been married?

24 A. No.

25 Q. Do you have any children?

1 A. No.

2 Q. Are you in a current relationship?

3 A. No.

4 Q. Do you live alone?

5 A. Yes.

6 Q. And do you live in a house? Do you rent
7 an apartment?

8 A. Rent an apartment.

9 Q. Okay. What did you do to prepare for
10 today's deposition?

11 A. I met with my attorneys on several
12 occasions.

13 Q. Be careful not to tell me what you
14 discussed with your attorneys.

15 A. I won't.

16 Q. All right.

17 A. And --

18 Q. So you met with your attorneys on several
19 occasions?

20 A. Yes.

21 Q. Anything else?

22 A. And reviewed several documents.

23 Q. Okay. And do you remember what documents
24 you may have reviewed?

25 A. I don't recall specifically. There was a

1 lot of documents.

2 Q. Okay. How much time -- or how long did it
3 take you to review documents to prepare for today's
4 deposition?

5 A. Several weeks. We have been going through
6 documents for a while.

7 Q. Okay. Have you spoken to anyone else
8 about the allegations in your lawsuit?

9 MR. SANFORD: To the extent you have
10 talked to somebody to prepare for the lawsuit in
11 anticipation of trial, don't answer the question. If
12 you want to talk about you talked to your family
13 members or something about what you're going through,
14 fine.

15 A. I talked to several of my family members
16 about the impact that this has made on me, my
17 pastor, I mean, a number of people that are
18 personally connected with me.

19 Q. All right. When did you start your
20 employment at FedEx?

21 A. In 2007.

22 Q. And can you walk me through briefly the
23 jobs you have held?

24 A. Sure. I started in 2007 as an inside
25 sales account executive in the Irving office, and I

1 managed customers over the phone in that
2 organization. And I was there for roughly two years
3 because I had eight consecutive quarters and was
4 promoted to sales executive in the inside sales
5 organization. And then in 2009, I was promoted to
6 field sales and relocated to Houston. And while in
7 Houston, I received President's Club and
8 Ambassador's Club which demonstrates my success in
9 not only meeting but exceeding performance. And
10 because of that performance, I was promoted to sales
11 executive in the field sales organization. And
12 during that process, I wanted to get into the
13 manager trainee program and LeadUp and went into the
14 application process of LeadUp. And --

15 Q. What year are we in when you went into the
16 application process for LeadUp?

17 A. The process started roughly -- roughly
18 around 2014, 2015.

19 Q. Okay.

20 A. I was awarded an opportunity to get in
21 LeadUp but didn't even complete the course because I
22 actually had a unique opportunity to get promoted to
23 inside sales in Memphis. There was a new position
24 that they were creating to expand the market, so I
25 applied for that and was promoted to district sales

1 manager inside sales and relocated to Memphis.

2 Q. Where did you relocate from again?

3 A. From Houston.

4 Q. Okay.

5 A. And during that process, they actually
6 used me as a mentor to the LeadUp program because
7 instead of them looking at a manual to say, oh,
8 well, this is the potential things you would face in
9 a 30-, 60-, 90-day manager program, I was actually
10 promoted.

11 So I got to go to LeadUp and announce my
12 promotion to the class and be a direct resource to
13 them on what the expectations of the role would be.

14 Q. Okay. And then from that position, is
15 that when you promoted into the position you held
16 under Michelle Lamb?

17 A. No.

18 Q. Okay.

19 A. I was promoted again roughly 18 months
20 later in --

21 Q. So what year are we in?

22 A. Started 2015 to the middle of 2018. I
23 went to be a district sales manager in the business
24 sales field organization.

25 Q. Okay.

1 A. And then from there, that is when they --
2 FedEx decided to dissolve the position of district
3 sales manager business sales field, and they made
4 the decision to promote us to district sales manager
5 field sales. And that's when in 2017 I began to
6 work under Michelle Lamb's leadership.

7 Q. And you relocated from Memphis back to
8 Houston?

9 A. Yes. Well, I had already done that when I
10 went to the district sales manager business sales
11 field. I just traveled from Houston and Atlanta
12 covering both areas.

13 Q. Okay. We talked earlier about that the
14 sales organization's job is to generate revenue.
15 When you have an AE, account executive, not
16 producing the required revenue, is that when you as
17 a manager kind of digs in and tries to determine why
18 the account executive is not producing the revenue?

19 A. I look at other things because the impact
20 of revenue could be falsely inflated just like mine
21 was falsely inflated with BJ Services and not
22 impacted by 4G Dental.

23 Q. Okay. After you determine whether there's
24 some falsely inflated revenue goals in a situation
25 where you determine there aren't any for that

1 account executive, is that when you then kind of dig
2 in more deeper to determine why the account
3 executive is not producing the required revenue?

4 A. Yes. I look at their calls, focus in on
5 their calls and opportunities. I look at their
6 closed business tracking. I look at their
7 engaging -- engagement with their pipeline,
8 territory management, and a variety of things to
9 help me determine what is the source of their
10 performance.

11 Q. Okay. But in a situation where you have
12 some account executives who are hitting their
13 revenue goals, is it fair to say then you're -- for
14 those individuals, you're not as focused or digging
15 down as deep about why they're hitting the revenue
16 numbers?

17 A. False. Because I use their success to be
18 able to leverage that and help partner those account
19 executives with the ones who may be or a B performer
20 or a C performer to help them be able to get
21 peer-to-peer development. So I look at them the
22 same.

23 Q. Okay.

24 MR. BABCOCK: We can go ahead and take
25 a break. I think I'm done.

1 THE VIDEOGRAPHER: We're off the
2 record at 5:45.

3 (Recess 5:45 p.m. to 5:57 p.m.)

4 THE VIDEOGRAPHER: We are back on the
5 record at 5:57.

6 Q. Ms. Harris, do you have any hobbies or
7 personal interests besides the T-shirt business?

8 A. Yes. I like to travel, spend time with my
9 family, shop. I like technologies or researching
10 new technology, phones, computers, programs. I'm
11 very competitive, so activities where I can
12 leverage, you know, my athletic background from
13 track. And community service, I love being engaged
14 with helping kids or senior citizens with projects.
15 Heavily involved in activities with my church and
16 just love being around, you know, people and being
17 able to shed positive light. And hopefully now with
18 everything transitioning from COVID, I can get back
19 to a lot of those things.

20 Q. Do you still run for recreation?

21 A. Sometimes. I have really bad knees, so I
22 can't do as much running. But uphill walking,
23 things of that nature I do incorporate, bike riding
24 sometimes. That's not the best for my shins, but I
25 love activities where I could be physically fit.

1 Q. Okay. And how often would you say you
2 engage in these types of activities? Is that on a
3 regular basis?

4 A. It depends. Now with this new position,
5 my schedule is different, so I don't have as much
6 flexibility as I used to.

7 Q. Okay.

8 A. So I try to engage with -- in it as much
9 as possible.

10 Q. And did you do that when you worked at
11 Brinks Homes as well?

12 A. Oh, yeah.

13 Q. Okay. And before you moved from Houston
14 up to Dallas, did you engage in those hobbies and
15 personal interests as well?

16 A. Yes.

17 Q. Okay. How many hours a week would you
18 estimate you spend on the JHShopSpot?

19 A. It ranges. I mean, sometimes two or three
20 hours, sometimes four or five on the weekends. It
21 just depends. I don't have, like, a large customer
22 base yet, so the demand isn't huge.

23 Q. All right. Has that been pretty steady
24 since you started the business two years ago?

25 A. It has been up and down. Like I said, I'm

1 still trying to establish myself. There's people
2 that have been doing the business for a long time
3 so...

4 Q. Where do you find customers for that?

5 A. A lot of it is word of mouth. I do posts
6 on social media with the T-shirts and people, you
7 know, wearing those shirts and hats and sweatshirts.
8 And sometimes I get customers from there, but a lot
9 of it is word of mouth or repeat.

10 MR. BABCOCK: I understand that your
11 counsel has some questions, so I'm going to tender
12 the witness.

13 MR. SANFORD: Okay. How long have we
14 gone?

15 THE VIDEOGRAPHER: Six hours and eight
16 minutes.

17 MR. SANFORD: Okay. All right. Yes,
18 I have a few questions.

19 EXAMINATION

20 BY MR. SANFORD:

21 Q. Let me go back to your EEOC charge. There
22 was two of them, right?

23 A. Yes.

24 Q. Was it possible to provide every single
25 detail or everything that happened at FedEx in your

1 EEOC charges?

2 A. No.

3 Q. Do you know what the word "ubiquitous"
4 means?

5 A. Yes, everywhere.

6 Q. You learned about -- if I understand it
7 correctly, you learned about the pricing issue, the
8 problem with the overpricing with BJ Services in
9 2017?

10 A. Yes.

11 Q. And I think it's all been explained, but
12 the transition issue about you having the attainment
13 goal after Jennifer Garcia has moved out, that's
14 different from the pricing issue change in 2017 --

15 MR. BABCOCK: Object to the form.

16 Q. -- is that right?

17 MR. BABCOCK: Object to the form.

18 A. Yes.

19 Q. How so?

20 A. The issue prior to is what led up to the
21 inflated goal when she was aligned to me and was how
22 they evaluated President 's Club, which is previous.

23 The impact of BJ Services with the
24 negative adjustment that Michelle did was for the
25 future where I didn't have any engagement or

1 Jennifer Garcia or the customer was no longer
2 aligned to me.

3 Q. So -- and I'm going to pull out the
4 document if I get to it, but I think you talked
5 about President's Club and Ambassador's Club, and
6 there was some other award --

7 A. Rewards Club.

8 Q. -- in the exhibit -- Rewards Club?

9 A. Uh-huh.

10 Q. And maybe I don't need go to the exhibit
11 and we just talk about it here.

12 Is -- you said, hey, it's the right thing.

13 Explain why it's the right thing to --
14 what was the right thing to do with President's
15 Club, Rewards Club, and Ambassador Club?

16 MR. BABCOCK: Object to form.

17 A. The right thing was to look at the
18 previous alignment of the revenue, which they were
19 going to use to determine if Jennifer Garcia and
20 myself earned President's Club.

21 So the right thing to do was to remove the
22 inflated revenue attached to our attainment at the
23 time so that we could accurately look at the
24 customer revenue that we had minus the inflation.

25 Q. And by doing that, would that negatively

1 impact you?

2 A. Yes.

3 Q. And you were willing to be negatively
4 impacted?

5 A. Yes.

6 Q. Why?

7 A. Because I wanted to be considered for
8 President's Club with accurate numbers. I didn't
9 want them to be inflated and for them to give me an
10 award that I did not deserve.

11 Q. What's the difference between agreeing to
12 be negatively impacted for the purpose of
13 President's Club or Ambassador Club or Rewards Club
14 and not agree to be negatively impacted on your
15 attainment goals?

16 MR. BABCOCK: Object to form.

17 A. Because the President's Club, Ambassador's
18 Club, and Rewards Club was prior. The adjustment of
19 BJ Services was for the future.

20 Q. So I think I heard something that you
21 would be willing to take a credit or something or --

22 A. Yes.

23 Q. -- discount on commissions on past?

24 A. Yes, because I wanted to be evaluated
25 accurately.

1 Q. Right.

2 And would -- do you know whether or not
3 Michelle Lamb received inflated credit for
4 BJ Services?

5 MR. BABCOCK: Object to the form.

6 A. She did, yes.

7 Q. Do you know whether or not she would be
8 willing to have the discounted credit?

9 MR. BABCOCK: Object to the form.

10 A. She never verified that she would be
11 willing to do that.

12 Q. Do you know about how much you would end
13 up giving back for that in commissions?

14 MR. BABCOCK: Object to the form.

15 A. I don't know specifically. I wasn't given
16 those details, but no matter the amount, I wanted it
17 to be done accurately.

18 Q. Do you have an idea of a range?

19 MR. BABCOCK: Object to the form.

20 A. It could range from a few hundred dollars
21 to potentially over 1,000.

22 Q. But not tens of thousands of dollars?

23 A. No.

24 Q. And so -- and are you clear about what
25 FedEx's rules are in setting goals going forward in

1 the future?

2 A. Yes.

3 Q. What are those rules for setting goals in
4 the future?

5 A. They are based on ZIP code, which is
6 aligned to an account manager, which is then based
7 on customers' headquarters to that ZIP code, and
8 then aligned to a district.

9 Q. So if FedEx says that that's not the rule,
10 do you dispute that?

11 A. Yes. That is why I disputed the negative
12 adjustment of BJ Services.

13 Q. And so is that just a conclusion that
14 you're making or do you base that on something? How
15 do you know that's the rule?

16 MR. BABCOCK: Object to the form.

17 A. Because it's a part of the sales
18 compensation policy.

19 Q. How is it part of the sales compensation
20 policy?

21 A. Because we have to have rules and
22 regulations for us to follow in order for us to
23 properly have accounts aligned, which then properly
24 allow FedEx to evaluate the revenue goals and
25 stretch which will be applied to our future

1 attainment.

2 Q. Is it in writing or is it just a practice?

3 A. No, it's in writing.

4 Q. And so to get an exception for that, what
5 do you have to do --

6 MR. BABCOCK: Object to the form.

7 Q. -- to that rule; do you know?

8 A. Yes. A director has to specifically ask
9 for a process that overrides the policy, and that
10 goes against the standard rules which state a ZIP
11 code aligns to a customers' headquarters, aligns to
12 an account executive, which links them to a
13 district.

14 Q. And would there be any valid justification
15 for an exception for that rule for you to have a
16 goal for a company who is not in your territory for
17 it to be -- you to be judged on it to be in your
18 territory going forward?

19 MR. BABCOCK: Object to the form.

20 A. No. The only determining factor in why
21 that was done in -- compared to why my peers weren't
22 given, you know, a negative adjustment on
23 BJ Services being that they were white is only
24 because of my race.

25 Q. So if the reason for putting a company

1 going forward that you have no control over, is not
2 in your territory, as part of your attainment goals
3 going forward is because you got past credit that
4 was inflated in the past, does that have any
5 reasonable -- is that reasonable at all?

6 MR. BABCOCK: Object to the form.

7 A. No.

8 Q. Why not?

9 A. Because that customer and that account
10 manager are no longer aligned to my district.
11 Michelle Lamb made the decision to not only move
12 Jennifer Garcia from my district to Brian Conrey,
13 but it also aligned the ZIP codes which would align
14 the customers which would pull the revenue and the
15 stretch for the future to Brian Conrey.

16 Q. Why isn't it fair for -- since you have
17 been getting extra credit in the past for a year or
18 two, why isn't it fair for you now to be punished
19 going forward --

20 MR. BABCOCK: Object to form.

21 Q. -- and get -- and have that -- get -- have
22 that counted against you in the future for your next
23 year? Why is that not fair?

24 MR. BABCOCK: Object to the form.

25 A. Because it's inconsistent with the rules

1 and alignment, one, that's in the sales compensation
2 policy and the treatment that was given to my white
3 peers.

4 Q. Is it part of the policy -- do you know
5 whether or not it's part of the policies at FedEx or
6 practice that if there's going to be an exception to
7 FedEx's rules for assignment and goals going forward
8 that the person affected has -- is informed or has a
9 say in it?

10 MR. SANFORD: Object to the form.

11 A. Yes.

12 Q. What is that -- what is your
13 understanding?

14 A. That all details should be communicated.
15 And anybody that would be impacted, whether it's
16 positively or negatively, they should have
17 communication when the discussion begins not after
18 it's impacting their revenue.

19 Q. On what are you basing your statement that
20 that is the pattern or that is the practice or
21 policy at FedEx?

22 MR. BABCOCK: Object to the form.

23 A. It's always been the -- the practice to
24 make sure, no matter what style of adjustment,
25 whether it's prospecting, whether it's realignment,

1 that it's communication in advance to both the
2 managers that will receive the negative and the
3 positive impact and a director gives approval to
4 that. When it doesn't follow the policy and the
5 rules of the sales compensation, then there is a
6 request of overriding of that policy.

7 Q. When you say it's always been that way,
8 how do you know it has always been that way?

9 A. My years of experience as a manager in
10 three different levels of sales have all been
11 consistent and the same.

12 Q. Consistent and the same -- is somebody
13 telling you this? Are you seeing it in writing?
14 How -- give me more -- how do you know?

15 A. Directors in manager training walk through
16 intensely the process of what justifies as an
17 adjustment and should be submitted. So it's
18 communicated quarterly so that, one, it can be put
19 on a spreadsheet which then could be evaluated by
20 the director to verify the facts of all the
21 customers and the services that are included in that
22 request and then communication to the director who
23 it's moving to on the positive or negative impact
24 has to approve it.

25 If it's in the same organization, then

1 there's no conversation that should be had. It's
2 only going to be impacting by the director who is
3 involved in that decision.

4 MR. BABCOCK: Object to the last
5 answer.

6 Q. Well, you didn't mention anything about
7 account executives or district managers as part of
8 that communication.

9 A. We initiate the process on the
10 spreadsheet, but the final decision is made by the
11 director.

12 Q. What about -- what I'm asking is, if
13 you're saying that -- if there's an exception to the
14 rule, it's that the account executive or the
15 district manager is notified and has participation
16 and communication about should it happen or not?

17 A. It should happen, yes.

18 Q. On what are you basing that?

19 A. Because in past experiences, it has always
20 been that way. It doesn't specifically state that
21 in the policy, but the rules say that an account is
22 aligned to a ZIP code, which is aligned to account
23 manager, which is then connected to a district.

24 Q. So what about Conrey, Brian Conrey, is
25 it -- is it fair for Brian Conrey to have to have

1 inflated goal going forward that you -- when you had
2 an inflated goal going forward in the past?

3 A. Yes. Because the account manager with the
4 ZIP codes and the customer was now aligned to his
5 district.

6 Q. So you complained about it in the past; is
7 that right?

8 A. Yes, of the error of the pricing not being
9 loaded correctly.

10 Q. And about whether or not it was part of
11 your goals?

12 A. Yes.

13 Q. And Brian Conrey complains about it for
14 the future?

15 A. Correct.

16 Q. And what happens to Brian Conrey?

17 A. The difference between myself and Brian
18 Conrey is that he was able to influence Michelle to
19 make a decision to negatively impact me with
20 adjusting me for the future. When the customer and
21 the account executive were moved to his district, he
22 should have received the inflated goal because now
23 that was a customer that belonged to his direct.

24 MR. BABCOCK: Object to the last
25 answer.

1 Q. Well, let me ask it, so what race is Brian
2 Conrey?

3 A. White.

4 Q. And Michelle Lamb listened to him when he
5 complained about BJ Services?

6 A. Yes.

7 MR. BABCOCK: Object to the form.

8 Q. Listened to you?

9 A. No.

10 Q. And then you say it would be fair for
11 him -- what about just leaving the goals with Brian
12 Conrey, but instead of inflating it based on the
13 pricing, just deflate the goal for Brian Conrey and
14 leave it with him?

15 A. That is what should -- what should have
16 happened. The goal, the revenue, the inflation, or
17 the removal of the inflation should have stayed with
18 him.

19 Q. So just make it fair for Brian Conrey
20 going forward and not set you up for failure?

21 A. Correct.

22 Q. Okay. Did you try to explain any of this
23 to HR?

24 A. Yes, on several occasions.

25 Q. Do you think they understood?

1 A. They didn't even try.

2 Q. How about Dave Russell, did he understand?

3 MR. BABCOCK: Object to the form.

4 A. He did.

5 Q. He did.

6 So -- and his response was?

7 A. That I didn't have any substantiating
8 evidence to why I shouldn't have the negative goal
9 adjusted to me.

10 Q. And what was your substantiating evidence?
11 Have we talked about all that?

12 A. We talked about some of it, but I showed
13 him where Michelle Lamb made the decision to move
14 Jennifer Garcia from my district to Brian Conrey's
15 district, which would then align BJ Services as a
16 customer to Jennifer Garcia and Brian Conrey for the
17 future. And he completely disregarded any of those
18 details that I shared.

19 Q. So you talked about HR. You talked about
20 investigating. So if FedEx says they did a fair,
21 thorough investigation, do you dispute that?

22 MR. BABCOCK: Object to the form.

23 A. Yes.

24 Q. And you have already talked about it a
25 lot, but just to make sure, on what basis do you

1 dispute that FedEx conducted fair investigations of
2 your complaints?

3 MR. BABCOCK: Object to the form.

4 A. They didn't. Their investigation on every
5 escalation and complaint that I made was a sham
6 investigation, very bogus. I provided specific
7 people for them to talk to in interviews. I
8 provided documents that they never verified. They
9 only interviewed me and people who they felt could
10 influence and help Michelle Lamb with this
11 discrimination and retaliation. So instead of
12 protecting me, they targeted me.

13 MR. BABCOCK: Object to the last
14 answer.

15 Q. And as part of the investigation, did they
16 consider the rules that FedEx have for alignment?

17 MR. BABCOCK: Object to the form.

18 A. They did not.

19 Q. So talk about cost controls. So just to
20 make sure I understand, who has the decision to
21 decide whether or not costs should be reduced across
22 the board, is that FedEx or Michelle Lamb?

23 MR. BABCOCK: Object to the form.

24 A. Michelle can make decisions on if she
25 allows approval of expense reports or if she

1 declines them.

2 Q. Right.

3 So it's one thing for FedEx to say we want
4 to lower costs, and it's another thing to say to
5 someone like Michelle Lamb, we want you to lower
6 costs by this amount, you have discretion to choose
7 how that's going to be done?

8 A. That is correct.

9 Q. And she chose you in reducing costs and
10 not your white peers?

11 A. Correct.

12 MR. BABCOCK: Object to the form.

13 Q. And how do you know this?

14 A. Because when originally she approved my
15 travel and trip to Memphis for the Memphis Pathway
16 program, that included for me to give the expenses
17 to FedEx for my flight, my hotel, and my rental.
18 She came back and said when it was time for me to
19 book that specific travel that now the company was
20 on cost constraints and that I was not allowed to be
21 able to attend.

22 But what she didn't share is that there's
23 a program in Dallas in which, as a team, as peers,
24 my white peers specifically could drive to and be
25 afforded the same opportunity to still attend the

1 Pathway program. She said nobody from the region is
2 going.

3 So I took her word at face value that
4 nobody was going to be given the privilege to attend
5 when, in fact, her and two of my white peers
6 attended and FedEx reimbursed them for the mileage
7 and for their lunch.

8 So that's inconsistent with her reasoning
9 for why I couldn't attend in addition to cover my
10 costs.

11 Q. And could you have driven --

12 MR. BABCOCK: Object to -- move to
13 strike the last question -- answer.

14 MR. SANFORD: What.

15 MR. BABCOCK: I said I object and move
16 to strike the last answer.

17 MR. SANFORD: I don't think that's a
18 valid objection but okay.

19 Q. So the -- so were you willing to drive
20 from Houston to Dallas to attend --

21 A. Yes.

22 Q. -- that event?

23 And why didn't you?

24 A. Because I wasn't even extended the
25 opportunity that my white peers were given.

1 Q. When did you find out that they had
2 attended the event or were going to attend the
3 event, before or after?

4 A. Before.

5 Q. And then -- so why didn't you go?

6 A. They laughed in my face and said that they
7 were going and that the excuse that Michelle used
8 that I couldn't go to Memphis wasn't correct because
9 they were going. And I was never extended the same
10 invitation.

11 Q. Why didn't you just show up?

12 A. Because I had used vacation time so that I
13 could still honor my commitment to the director
14 Jerry Page in Memphis to come to the Pathway program
15 there in Memphis and still be able to demonstrate my
16 leadership skills and help coach and develop the
17 people who aspire to, you know, grow and develop in
18 the company.

19 Q. So was Michelle Lamb the first time you
20 experienced discrimination at FedEx?

21 A. No.

22 Q. So you have been through this before --

23 A. Yes.

24 Q. -- right?

25 But it had a different outcome?

1 A. It did.

2 Q. Because you had different vice presidents.

3 A. That is correct.

4 Q. It wasn't Dave Russell; it was somebody
5 else -- it was a better or worse outcome?

6 A. It was a better outcome.

7 Q. Okay. So tell me about what happened
8 there. Did it involve any type of leadership?

9 A. Yes, it did.

10 Q. What happened?

11 A. It involved a manager who had demonstrated
12 racist comments, Erika Tolar, who referenced black
13 people as being monkeys and not real people in a
14 team meeting and --

15 Q. And this is somebody that you reported to?

16 A. In the future, I would report to her. I
17 sat across from her team when she made the comment
18 and saw the drastic impact that it made on the
19 African-Americans on her team and how they felt,
20 like, embarrassed and ashamed that FedEx would still
21 allow her to be in leadership after publicly making
22 a racist statement about black people.

23 Q. So then eventually did you report to her
24 directly?

25 A. Unfortunately --

1 Q. What's her name again?

2 A. Erika Tolar.

3 Q. Erika Tolar, you eventually reported to
4 her?

5 A. Unfortunately FedEx did allow her to be
6 promoted from an inside sales manager to a district
7 sales manager in field sales. And while I was
8 there, I had to embrace --

9 Q. Let me ask you, what race is she?

10 A. She's white.

11 Q. Okay. Go ahead. While you were there,
12 you had to embrace something?

13 A. Yes. The anxiety that I faced with her
14 known comments of, you know, monkeys referencing to
15 black people and experienced my own discrimination.
16 When I was wanting to apply for a LeadUp, she --

17 Q. What is LeadUp?

18 A. It's a manager trainee program designed
19 for people in sales capacity that desire to be in
20 management.

21 Q. Is that similar to Pathway?

22 A. Very similar. They are almost identical.

23 Q. This is -- we're talking about something
24 earlier than the Pathway incident?

25 A. That is correct.

1 Q. Several years earlier. Do you know about
2 when?

3 A. Yes. I worked for Erika 2013 up until my
4 promotion to district sales manager in inside sales
5 in Memphis.

6 Q. So tell us about what happened with
7 LeadUp.

8 A. I went to her and always consistently
9 talked to her about me wanting to get into
10 management. And when they opened up the LeadUp
11 program again -- because it had been shut down --
12 that I wanted to be a part of the application
13 process.

14 Q. What did she say?

15 A. She declined. She said that I wasn't
16 ready for leadership but never give -- gave any
17 substance to why. And all I could relate that to is
18 her being racist and discriminating against me
19 because on her team, there was no other
20 African-Americans at the time. And if there's no
21 substance or reason to why I couldn't apply, I
22 didn't understand that. So I escalated --

23 Q. What did you do? You escalated?

24 A. I escalated and went to the director who
25 was on the panel, Jerry Page, and asked him if it's

1 a requirement that your manager approve you to be in
2 LeadUp. And he said, no, it's not required, it's
3 encouraged, so you still have the ability to apply,
4 which I did.

5 And so --

6 Q. Then what happened?

7 A. I was granted an interview with a panel of
8 directors who allowed me an opportunity to share why
9 I felt that I was successful as an individual
10 contributor and would be good in the LeadUp program
11 that consisted of eight months of engagement to
12 really transition your skill set from a sales rep to
13 a manager.

14 Q. So was there any type of communication
15 back from management back to Ms. Tolar about you
16 going?

17 A. Yes.

18 Q. What happened?

19 A. There was an email where Erika Tolar
20 canceled my trip because at that time, I had already
21 been promoted and awarded the inside sales district
22 sales manager position, which is another
23 demonstration of her discrimination because she
24 didn't want me to apply for that either but it
25 didn't require her approval.

1 So I escalated that. Instead of going
2 back to Jerry Page, I went to the vice president,
3 Pat Galvin, and he was very --

4 Q. What did he -- what did he say?

5 A. He was very frustrated that she took it
6 upon herself, not even a part of the LeadUp
7 committee, to cancel my travel. And she
8 communicated that she told Grant Kuhn that it was a
9 waste of the company's resources for me to even go.
10 And so Pat --

11 Q. Grant Kuhn? She communicated to Grant
12 Kuhn?

13 A. Yes.

14 Q. That name has come up before?

15 A. Yes.

16 Q. Okay. That's the one where you said he
17 didn't want you to be anything either?

18 A. Correct.

19 Q. Okay. So she's -- Erika Tolar is
20 communicating with Grant Kuhn?

21 A. Yes. That was our director at the time.

22 Q. Okay. And so what did Mr. Galvin do?

23 A. Yes. He responded and said that Erika
24 Tolar is up to her old tactics. And all I could
25 related his response to is the constant issues that

1 she had with complaints of racism and the monkey
2 comment for black people. And he said, no worries,
3 I would handle it.

4 And shortly after, Erika Tolar called me
5 and apologized. And Pat Galvin worked with his own
6 administrative assistant to rebook my trip so that
7 then I could be awarded the opportunity to still
8 participate in the LeadUp travel. And he used me to
9 be a mentor so that I could show actual engagement
10 with 30-, 60-, 90-day plan instead of a manual.

11 MR. BABCOCK: Object to the -- part of
12 that last answer.

13 Q. And so then -- then what position was that
14 that you were in when you were -- went to LeadUp and
15 you had been promoted?

16 A. I was a district sales manager for
17 business sales inside.

18 Q. Inside.

19 And then did you go on to get -- you went
20 on to get promoted even more after that?

21 A. That is correct. 18 months later, I was
22 promoted to a district sales manager in the business
23 sales field organization.

24 Q. And then eventually you were moved and
25 promoted up under Michelle Lamb, right?

1 A. Yes, that is correct.

2 Q. And that was at the time she was promoted
3 to director?

4 A. That is correct.

5 Q. Now, she's white?

6 A. That's correct.

7 Q. They didn't promote you to a director?

8 A. No.

9 Q. You're black?

10 A. That's correct.

11 Q. Did you have qualifications to be a
12 director?

13 A. Yes.

14 Q. Would you have had the same -- how did
15 your qualifications with Michelle Lamb compare?

16 MR. BABCOCK: Object to the form.

17 A. I had been promoted more times than
18 Michelle. I had demonstrated success consistently
19 more than Michelle Lamb.

20 Q. So now she's over you, right? She's
21 talking to Mr. Kuhn?

22 A. Uh-huh.

23 Q. Who knows Erika Tolar?

24 A. Yes.

25 Q. Tell me about Mr. Kuhn. Do you know

1 whether or not he's racist?

2 A. Yes.

3 Q. Why do you say that?

4 A. There has been several instances of
5 complaints with Grant Kuhn not hiring
6 African-Americans into his region for district sales
7 manager positions. Specifically a complaint was
8 made from Gail Harris in the business sales inside
9 office that she had applied on several occasions,
10 had years of experience, years of success, but never
11 granted the opportunity to be in a sales -- field
12 sales organization.

13 Q. So I want to -- there's some questions
14 about -- there was a panel, a diverse panel.

15 Do you remember questions about a diverse
16 panel, being on a diverse panel?

17 A. Yes.

18 Q. And that -- were you the only
19 African-American on the panel?

20 A. Yes.

21 Q. But you don't know the religion or sexual
22 preference of other people there --

23 MR. BABCOCK: Object to the form.

24 Q. -- on the panel, right?

25 A. No.

1 Q. So are you aware of whether or not any of
2 those persons who are not black are your
3 comparators?

4 A. Yes.

5 Q. Are they?

6 A. Yes, several of them.

7 Q. Okay. And do you know whether or not you
8 are to be compared -- let me ask you this: Do you
9 know whether or not the law allows a token exception
10 to discrimination?

11 A. No.

12 Q. You don't know whether or not, hey, I
13 treat this black person really good so there's no
14 way I could discriminate against this black person?

15 A. Yeah, no.

16 Q. Or I treat this person really good because
17 of their religion; there's no way I could
18 discriminate against black people?

19 A. No.

20 Q. Or I treat women really good; there's no
21 way I discriminate against black people?

22 A. No.

23 Q. You don't know whether or not -- you don't
24 know that the law says there's no token exception to
25 discrimination?

1 A. No.

2 Q. Do you know whether or not FedEx has been
3 trained on whether or not there's no token exception
4 to discrimination?

5 MR. BABCOCK: Object to the form.

6 A. I would hope so.

7 Q. You're able to go to Pathway?

8 A. At my own expense and using vacation.

9 Q. So did Michelle Lamb give you any
10 assistance, help you at all --

11 A. No.

12 Q. -- in that process?

13 I think you -- I think you said that
14 Michelle Lamb wanted you to do Coach2Grow 2.0
15 different ways than you were doing it. What do you
16 mean?

17 MR. BABCOCK: Object to the form.

18 A. Yes. She rolled out the Coach2Grow 2.0
19 program, and there were specific ways that she
20 wanted it done.

21 Q. Like what?

22 A. There was a lengthy PowerPoint
23 presentation that instead of going to the facts of
24 what Coach2Grow 2.0 was, she wanted me to go through
25 every slide with each account executive and then

1 allow them to take an assessment based on that which
2 would identify their strengths or ways for them to
3 be focused on me to coach them with the new
4 Coach2Grow 2.0. But the approaches of my white
5 peers, they didn't go through every slide. They
6 highlighted slides just like I did but weren't given
7 the aggressive treatment. And --

8 Q. So -- so two things, so -- let me stop.

9 So what you did that was different is you
10 didn't go through every slide; you highlighted
11 certain slides?

12 A. Yes.

13 Q. And she wanted you to go through every
14 single slide?

15 A. Yes.

16 Q. And you're saying your peers, other
17 district managers, didn't go through all the slides
18 with their account executives?

19 MR. BABCOCK: Object to the form.

20 A. No.

21 Q. How do you know?

22 A. Because we talked about their process, and
23 that is why I reached out to Brian Conrey and
24 Rebecca Callahan to get best -- best practices from
25 them but was denied that opportunity because

1 Michelle wanted it to be done her way.

2 Q. So how do you know they didn't go through
3 their slides?

4 A. Because they told me the details they went
5 through. They went through more slides than I did
6 but not every slide as she requested.

7 Q. So why wouldn't you go through every slide
8 initially?

9 A. Because I wanted to focus on the key
10 components that would really transition what we were
11 doing and coaching prior to Coach2Grow 2.0. That
12 wasn't the first time we had Coach2Grow. This just
13 was a transition of what Coach2Grow was. We had
14 regular Coach2Grow and Coach2Grow 2.0.

15 So the account managers were already
16 familiar with the original Coach2Grow 2.0. And in
17 my attempt to just reiterate what the changes were,
18 I highlighted what those were instead of going
19 through every slide that was given in that
20 presentation.

21 Q. Because they already knew it?

22 A. Yes.

23 Q. So after she instructed you to go through
24 every slide, did she want you to go back and do it
25 again?

1 A. Yes. And I did.

2 Q. And you did?

3 A. Yes.

4 Q. Every single slide?

5 A. Yes.

6 Q. You complied with her request?

7 A. That is correct.

8 Q. And she still -- I mean, we know you're
9 terminated.

10 Okay. So let me ask you -- let's go
11 through this. Well, let me -- before I do that, I
12 want to -- I think you talked about the team needed
13 to be led by a strong coach, meeting strong metrics.

14 Do you remember talking about that?

15 A. Yes, that was the reference of Michelle
16 saying that I was not a strong coach.

17 Q. Yeah.

18 And so what about your peers, were they
19 meeting their metrics?

20 A. No.

21 MR. BABCOCK: Object to the form.

22 Q. Okay. And do you dispute that you were
23 not a strong coach?

24 A. Yes.

25 Q. On what basis do you dispute that you are

1 not a strong coach?

2 A. Because my experience and success as a
3 leader demonstrated that I was a strong coach. I
4 had developed and coached several people to be
5 successful and maintain, grow, and find revenue for
6 FedEx in addition to help them get promoted. So
7 those details demonstrate that I was a strong coach.

8 Q. What about the metrics, did the metrics
9 demonstrate you're a strong coach?

10 MR. BABCOCK: Object to form.

11 A. Yes.

12 Q. How so?

13 A. Because my closed business tracking
14 contradicts the false allegations that Michelle used
15 in my letter of counseling and letter of warning
16 that I was a poor performer. Yet, I was in the top
17 half of her district sales manager on all of the
18 metrics that she used on closed business tracking,
19 on joint calls, on calls on opportunities, on
20 pricing.

21 So it's very inconsistent the expectation
22 that was set for me compared to my white peers.

23 Q. I believe there was -- you had a question
24 about if there's an exception to the rule on setting
25 goals for attainment compensation, that at the end

1 of the day, FedEx gets to decide.

2 Somebody at FedEx is the arbiter and gets
3 to decide whether or not they're going to follow
4 their own rule or not?

5 MR. BABCOCK: Object to form.

6 A. That is correct.

7 Q. Okay. You don't get to decide that?

8 A. No.

9 Q. Right.

10 FedEx at the end of the day gets to decide
11 whether they're going to discriminate against you;
12 you don't get to decide that, right?

13 A. True.

14 Q. At some point you said -- I believe you
15 said that Michelle Lamb's perception of you was as a
16 poor performer.

17 Did she actually perceive you as a poor
18 performer?

19 MR. BABCOCK: Object to the form.

20 A. No. She actually made it appear that way
21 on reports and on the letter of counseling and to
22 Dave Russell, Dan Mullally, and the human resources.

23 Q. Couldn't she honestly -- just be an honest
24 mistake? She honestly believed you're a poor
25 performer?

1 A. No.

2 Q. Why not?

3 A. Because on several occasions, her actions
4 demonstrated that she was intentionally trying to
5 target me because I was black.

6 Q. How so?

7 A. BJ Services goes against the sales
8 compensation policy which aligns a customer with
9 territories and ZIP codes. And she overrided that
10 process to negatively impact me and make it appear
11 on the reporting that I was a poor performer.

12 Q. She had access to see all your performance
13 records?

14 A. Yes.

15 Q. Performance records that showed that you
16 were a good performer?

17 A. Yes.

18 Q. You have seen their policies against
19 discrimination and retaliation?

20 A. Yes.

21 Q. So they have a written policy saying it.
22 Do you dispute that they follow that
23 policy?

24 A. Yes, they did not follow the policy.

25 Q. Well, they say they don't tolerate

1 discrimination.

2 Do you dispute that statement in their
3 policy?

4 A. I experienced them tolerating
5 discrimination and retaliation.

6 Q. Well, they have got -- I mean, how can
7 they? They have a policy that says we do not
8 discriminate. We do not tolerate discrimination.
9 So how can they discriminate if they -- I mean, it's
10 right there. Their policy says we don't do it.

11 A. Policies have to be --

12 MR. BABCOCK: Object to form.

13 A. -- enforced by the actual employees. So
14 if they don't monitor or supervise if that behavior
15 is being demonstrated to an employee and investigate
16 the complaints made when they share the specifics
17 and facts, then FedEx isn't following those
18 policies.

19 Q. Does that go the same for retaliation?

20 A. Yes.

21 Q. Did you take advantage of their policies
22 to try and contest what was happening to you?

23 A. Yes.

24 Q. What did you do?

25 A. I escalated to Dave Russell, to Dan

1 Mullally, to Jim Wallace, to Kristie Castilow, to
2 Michael Clark, to Linda Taylor, to Mac Chonoles, to
3 everybody. I filed an internal EEO, an external.
4 I --

5 Q. What do you say to someone who says you
6 didn't take every reasonable opportunity to try to
7 contest it and take advantage of their appeals
8 process?

9 MR. BABCOCK: Object to the form.

10 A. That it's false.

11 Q. Why?

12 A. Because I went through every process
13 possible to try to bring awareness so that FedEx
14 could be held accountable to prevent discrimination
15 and retaliation.

16 Q. So if FedEx says you didn't take advantage
17 of every -- reasonably -- you unreasonably failed to
18 take advantage of any preventative or corrective
19 opportunity.

20 Do you dispute that?

21 MR. BABCOCK: Object to form.

22 A. Yes.

23 Q. Based on what we just talked about?

24 A. Yes.

25 Q. And if FedEx says that they exercised

1 reasonable care to prevent discrimination, did you
2 dispute that?

3 A. Yes.

4 Q. It's based on what you have testified here
5 today?

6 A. Yes.

7 Q. And that they promptly corrected any
8 discrimination, do you dispute that?

9 A. Yes, that is correct.

10 Q. Same goes for retaliation?

11 A. Yes.

12 Q. So I think in paragraph 50 of the
13 complaint -- the complaint is Exhibit 4, I think.

14 MR. BABCOCK: Yeah, it's Exhibit 4.

15 MR. SANFORD: Okay. Thank you.

16 Q. Removed some of your commissions, right?
17 We talked about that on paragraph 50.

18 Do you see paragraph 50?

19 A. Yes.

20 Q. And Ms. Lamb removed some of your
21 commissions, and you talked about, if I recall
22 correctly, it was BJ Services negatively impacted
23 you?

24 A. Yes. That removed some of my positive
25 commission because of the negative impact from

1 BJ Services.

2 Q. What about 4G?

3 A. Yes, because it wasn't positively aligned
4 to me, it impacted my commissions as well.

5 Q. Paragraph 60, Ms. Harris's team was one of
6 the top teams at FedEx nationally, being awarded
7 President's Club.

8 Okay. We talked about being belittled by
9 Michelle Lamb.

10 Do you remember that?

11 A. Yes.

12 Q. Did any of your one-on-one -- did any of
13 the one-on-one coaching, did you experience any
14 belittlement?

15 A. Yes.

16 Q. How so?

17 A. Because every time I was engaged with
18 those meetings with me that was drastically
19 different to the treatment of my peers, the presence
20 of those meetings belittled me because it was
21 inconsistent with the coaching and one-on-ones that
22 she gave other people.

23 Q. Exhibit 11. I know we have explained
24 this.

25 Exhibit 11 is where you're saying you

1 agree to the -- reducing BJ Services in the past in
2 looking at your numbers to qualify for President's
3 Club --

4 A. Yes.

5 Q. -- or Ambassador or the other Rewards,
6 right?

7 A. Correct.

8 Q. Does that email anywhere talk about future
9 attainment goal number 11?

10 A. No.

11 Q. Does anywhere talk about you agreeing to
12 take on future attainment of -- once Jennifer Garcia
13 is moved out and BJ Services is moved out of your
14 territory?

15 MR. BABCOCK: Object to the form.

16 A. No.

17 Q. It's all past?

18 A. That is correct.

19 Q. Not future?

20 A. Correct.

21 Q. And you agreed to voluntarily reduce
22 your -- the revenue even though it came in? Right,
23 did the revenue actually come in?

24 A. Yes.

25 Q. FedEx got the money?

1 A. Yes.

2 MR. BABCOCK: Object to form.

3 Q. And you're willing to say, look, I don't
4 have to have credit for it because the customer was
5 overpaying?

6 A. Correct.

7 Q. And you still made President's Club?

8 A. Yes.

9 Q. And because of that, Jennifer -- I mean,
10 Michelle Lamb also made President's Club?

11 A. Correct.

12 Q. FedEx come back and say, hey, thank you
13 for doing that?

14 A. No.

15 Q. Did you follow the proper procedure of
16 progressive discipline with Mr. Seagraves?

17 A. Yes.

18 Q. Did FedEx follow the proper procedure in
19 discipline with you?

20 A. No.

21 Q. Exhibit -- let me just look -- okay.
22 Let's look at Exhibit 31.

23 I believe this is the letter of counseling
24 for unacceptable performance right? Do you have it?

25 A. Yes.

1 Q. So we talked about -- I remember you
2 talked about the 91.6 was not accurate?

3 A. That is correct.

4 Q. And zero out of eight you said was not
5 accurate?

6 A. That is correct.

7 Q. Does she put on here anywhere how many of
8 the AEs under your white peers are not making plan?

9 A. No.

10 Q. Does she put on here whether or not she's
11 making plan?

12 A. No.

13 Q. In any of her -- do you recall -- we can
14 go through it, but did she ever compare you with
15 your white peers and how that you're performing
16 compared to them?

17 A. Yes.

18 Q. How?

19 A. She falsely accused me of poor performance
20 and being at the bottom. In response to -- I would
21 have to look to confirm, but in my letter of
22 warning, but on several coaching conversations, she
23 always referenced that I was at the bottom of the
24 region.

25 In addition, she falsely accused me of not

1 having any FedEx One Rate and Global Gold Rush
2 opportunities compared to my white peers, and that
3 was false. So there's several occasions that --

4 Q. When you say it's false, you dispute --

5 A. Yes.

6 Q. -- her statement --

7 A. That is correct.

8 Q. -- that you were at the bottom?

9 A. Yes.

10 Q. So let's just go -- this is Plaintiff's
11 Exhibit 1.

12 MR. BABCOCK: Do you want to just...

13 MR. SANFORD: Yeah. Oh, I can make
14 it. Add it?

15 MR. BABCOCK: Yeah, why not.

16 MR. SANFORD: Why not. Thanks.

17 (Exhibit 64 marked.)

18 Q. This is Exhibit 64. So it says you failed
19 the meet plan throughout FY19.

20 Do you dispute that?

21 A. Yes.

22 Q. And you failed to meet plan FY20 quarter,
23 unadjusted.

24 Do you dispute that?

25 A. Yes.

1 Q. FY20 year to date, your district has the
2 lowest pricing activity in the region.

3 Do you dispute that?

4 A. Yes.

5 Q. Says you did not meet action plan
6 objectives which you created to improve performance.

7 Do you dispute that?

8 A. Yes.

9 Q. Says you did not meet the CBT expectation.
10 Do you dispute that?

11 A. Yes.

12 Q. You did not meet the collaborate to close
13 expectation.

14 Do you dispute that?

15 A. Yes.

16 Q. You did not meet pricing expectation.
17 Do you dispute that?

18 A. Yes.

19 Q. You did not close gaps performance gaps.
20 Do you dispute that?

21 A. Yes.

22 Q. You did not meet the attainment
23 expectation.

24 Do you dispute that?

25 A. Yes.

1 Q. So let's go to second page of
2 Exhibit 60 -- what is it?

3 A. 64.

4 Q. -- 64.

5 Down at the bottom, it says, PC impact to
6 DSM and AEs with large invoice adjustments. Discuss
7 timeline. All are in agreement that we are doing
8 the right thing here.

9 We have talked about the right thing?

10 A. Yes.

11 Q. Right thing is lowering your revenue for
12 President's Club in the past?

13 A. Correct.

14 Q. Does the right thing have anything to do
15 with goals going forward?

16 A. No.

17 Q. You dispute that the right thing -- so if
18 Michelle Lamb or FedEx says the right thing here,
19 that you're agreeing to the right thing is it's the
20 right thing for you to have goals for a business
21 that's not in your territory, do you to dispute
22 that?

23 MR. BABCOCK: Object to the form.

24 A. Yes.

25 Q. The next page it says on -- down at the

1 bottom, 144992, one out of six regions are at plan
2 for -- oh, I don't know if you dispute this at all.

3 One out of six regions are at plan for Q4.
4 Now, regions, who is responsible for regions?

5 A. Michelle Lamb and her peers.

6 Q. And her peers.

7 So do you know if Michelle Lamb was out of
8 plan at this time?

9 MR. BABCOCK: Object to the form.

10 A. Yes.

11 Q. So she's -- she -- you're making plan,
12 she's not, but she's writing you up?

13 A. That is correct.

14 Q. Only 14 of 56 DSMs are above plan, right?

15 A. Yes.

16 Q. And if FedEx says they're not singling you
17 out, do you dispute that?

18 A. Yes.

19 Q. Do you know if whatever 56 minus 14, if
20 all those other people were written up? We don't
21 know, do we?

22 A. We don't.

23 Q. We just know that your peers weren't
24 written up except for Richard Holley, right?

25 A. That is correct.

1 Q. If we can -- this looks like -- this looks
2 like it -- if 14 of 56 DSMs are not -- are not at
3 plan and only one out of six regions is not at plan,
4 that sounds like a -- does that sound like it's a
5 problem across the country --

6 A. Yes.

7 Q. -- at FedEx?

8 A. Yes.

9 Q. People not making plan?

10 A. Yes.

11 Q. And did you see any wholesale layoffs and
12 terminations because people weren't making plans?

13 A. No.

14 MR. BABCOCK: Object to form.

15 Q. So the next one is My FedEx Rewards, Casey
16 Millner, 145011.

17 Do you see that?

18 A. Yes.

19 Q. And that -- you had responsibility for
20 that?

21 A. Prior to Casey Millner, yes.

22 Q. But that was taken away from you?

23 A. That is correct.

24 Q. Let's go to the next one, 14 -- these
25 are -- do you know whose notes these are?

1 A. Michelle Lamb's.

2 Q. That she's relying on for you or do you
3 know?

4 MR. BABCOCK: Object to the form.

5 A. These are her notes, so that's what she's
6 using.

7 Q. Okay. So let's look at where -- pricing
8 activity, right?

9 A. Uh-huh.

10 Q. Year-to-date FY20 and you're at 6.6. Do
11 you see that?

12 A. Yes.

13 Q. So where does that rank you in the seven
14 or eight people?

15 A. Fifth.

16 Q. Okay. So there's -- who is below you?

17 A. Brian Hickman, Casey Millner, and that's
18 all.

19 Q. Brian Hickman white?

20 A. Yes.

21 Q. Put on a plan --

22 A. No.

23 Q. -- performance improvement plan?

24 Casey Millner --

25 A. White.

1 Q. -- white?

2 A. Yes.

3 Q. Put on a performance improve plan?

4 MR. BABCOCK: Object to form.

5 A. No.

6 Q. And then we're looking at -- what's the
7 next one? Sum of average, quarter, what is that?

8 A. That is closed business tracking for Q1
9 FY19.

10 Q. And so where are you in this ranking?

11 A. Number 4.

12 Q. And four out of eight, is that the top
13 half or the bottom half?

14 A. The top half.

15 Q. So if we go to the next one, I guess we
16 have F20 -- FY -- this is the next page, 145019.

17 A. Uh-huh.

18 Q. Fiscal year '20?

19 A. Year to date.

20 Q. Year to date. Q1. Do you see the 10,000?

21 A. Yes.

22 Q. Where does that put you?

23 A. Number 4.

24 Q. Number 4.

25 The right column, why are those numbers so

1 small?

2 A. Because that's the beginning of when the
3 closed business tracking was starting to be
4 calculated.

5 Q. So can we look at those numbers? Do they
6 mean anything?

7 MR. BABCOCK: Object to the form.

8 A. Not at that time, no.

9 Q. Okay. If we go to -- because not all the
10 numbers are in?

11 A. Correct.

12 Q. The calls, right, F2 calls and
13 opportunities, where are you at?

14 A. I'm number 2.

15 Q. If we go to 145026, it says, Performance:
16 Read performance numbers, ending with international
17 numbers leading into MyQuote.

18 Do you see that?

19 A. Yes.

20 Q. What does that first column that says,
21 total dom payer primary?

22 A. Total domestic FedEx payer primary.

23 Q. What does that mean?

24 A. That is the column that's used to evaluate
25 the performance.

1 Q. And you're not in there?

2 A. That is correct.

3 Q. Is -- who replaced you?

4 A. Virginia Solgot.

5 Q. But that didn't happen yet?

6 A. No.

7 Q. Which one are you? There's two open
8 positions.

9 A. I am District 14.

10 Q. So it's the one that's 90.1?

11 A. Yes.

12 Q. You're already gone?

13 A. Yes.

14 Q. And you're still at 90.1, your team?

15 A. Yes.

16 Q. And let's see, I don't see anybody --
17 there's -- we'll there's somebody -- Brian Conrey is
18 100 percent because you round up at 99.5, right?

19 A. Yes.

20 Q. And Matthew Wheeler is over, right?

21 A. Yes.

22 Q. And Jaime is at 100 percent because you
23 round up?

24 A. Yes.

25 Q. But what about Casey Millner?

1 A. No.

2 Q. And she gets the FedEx award -- reward --

3 A. He does. Yes.

4 Q. -- responsibility -- or he does.

5 A. Yes.

6 Q. And yet his number's 94.5?

7 A. That is correct.

8 Q. Next page, LHR, is that Longhorn region?

9 A. Yes.

10 Q. That's the name of --

11 A. Michelle's region.

12 Q. -- Michelle Lamb's region -- your region
13 with Michelle?

14 A. Uh-huh.

15 Q. And then the next one, it's all yellow
16 but -- 145257.

17 How many AEs haven't closed business in
18 one, two, three months?

19 Do you see that?

20 A. Yes.

21 Q. This would be, I guess, a watch or your
22 concern -- what's the purpose of this is your
23 understanding of this block here?

24 A. She used it in reference in a manager
25 meeting to identify account managers who, based on

1 this report, alleged have not closed business in
2 one, two, or three months.

3 Q. So that you may want to get with them and
4 start working on them; they need to start closing
5 business?

6 A. Yes.

7 Q. So I see that you have got three people?

8 A. Yes.

9 Q. What about Jaime Golden-McElroy, three
10 people?

11 A. Yes.

12 Q. What about Rebecca Callahan, three people?

13 A. Yes.

14 Q. Fiscal year '19 FTIP. What's that?

15 A. It is what's called FTIP. It is the
16 automation allowance used --

17 Q. Oh.

18 A. -- to help try and encourage customers to,
19 one, grow their automation solutions with FedEx.

20 Q. So it's budget money that you can use and
21 spend on customers?

22 A. Yes.

23 Q. And so you're kind of in the middle of the
24 pack of spending the money?

25 A. Yes.

1 Q. Does that cut both ways; if you spend the
2 money, then FedEx doesn't have it, but if you don't
3 spend the money, the customers don't have it?

4 A. That is correct, and it means that they're
5 not utilizing the tools and resources based on what
6 FedEx will cover.

7 Q. Okay. That may be all. No.

8 So if we look at -- on the page 145292.
9 If you can go to that.

10 A. Yes.

11 MR. BABCOCK: Hang on, I'm not there.

12 MR. SANFORD: Oh, sorry.

13 MR. BABCOCK: Keep flipping?

14 MR. SANFORD: That's it -- maybe not
15 that's it. There you go. There you go.

16 Q. LHR, that's Longhorn region?

17 A. Yes.

18 Q. And it's fourth quarter fiscal year 2019
19 performance?

20 A. Yes.

21 Q. So this will be the performance of
22 Michelle Lamb?

23 A. Yes.

24 Q. And she's not at 100 percent?

25 A. Correct.

1 Q. And then we go to the next page, 145296.
2 This is Q1 fiscal year 20 AE performance.

3 AE are the people that report to you?

4 A. Yes.

5 Q. And so you're looking at them at whether
6 or not they're above plan or not above plan?

7 A. Yes.

8 Q. So comparing you with other people --

9 A. Yes.

10 Q. -- right, because she's saying that you
11 have, like, zero people in plan?

12 A. That is correct.

13 Q. But we got here you have 93.6 in
14 attainment, right?

15 A. Yes.

16 Q. Where does that put you in the pack? I
17 guess it's in order. There's two people below you.

18 A. Yes.

19 Q. On whether or not they're at plan?

20 A. That is correct.

21 Q. We don't know how -- it doesn't show how
22 close they are at plan --

23 A. No.

24 Q. -- it's just there, right?

25 A. Yes.

1 Q. Okay. And percent of AEs above plan
2 versus below plan, you're at 50 percent?

3 A. Right. That contradicts her saying
4 zero --

5 Q. Right.

6 A. -- of eight.

7 Q. And so where does that -- let's see. The
8 50 percent, where does that put you in the group of
9 the eight?

10 A. Number 4.

11 Q. Is it number 4 out of 8 the top half or
12 the lower half?

13 A. The top half.

14 Q. So not only is she wrong about the zero,
15 you're -- you're in the top half?

16 A. Correct.

17 Q. So how about improvement? Closing the
18 gaps on improvement, right?

19 Let's look at 145319. Did we improve? So
20 we have some down arrows. What's down arrow
21 signify?

22 A. It means that instead of improvement from
23 the previous meeting, that it went down.

24 Q. And if it goes up, what's that?

25 A. That you did improve.

1 Q. So let's look at the first one, Capital of
2 Texas. It's got two down arrows and two up arrows.

3 Do you see that?

4 A. Yes.

5 Q. And what do you have?

6 A. I have three up arrows and one down arrow.

7 Q. So you did better than Capital of Texas
8 group?

9 A. Yes.

10 Q. In terms of closing the gap?

11 A. Yes.

12 Q. And Alamo has three up arrows and one
13 down, right?

14 A. Yes.

15 Q. Same as you?

16 A. Correct.

17 Q. And Bayou Bruisers, all down?

18 A. Correct.

19 Q. You did better?

20 A. Yes.

21 Q. Summit, all down. You did better?

22 A. Yes.

23 Q. Now, who is Capital of Texas?

24 A. It's either Jaime Golden-McElroy or Brian
25 Golden. They split Austin.

1 Q. What -- what's their race?

2 A. White.

3 Q. Put on a plan --

4 A. No.

5 Q. -- performance improvement plan?

6 Terminated?

7 A. No.

8 Q. Bayou Bruisers, who is that?

9 A. I don't recall specifically who that was,
10 but it was a white peer.

11 Q. Okay. Put on a plan?

12 A. No.

13 Q. Unless it's Richard, I guess. Would it
14 have been Richard?

15 A. No, Richard is Alamo.

16 Q. Okay. Summit, all down. Who's that?

17 A. Based on the percentage, that appears to
18 be Brian Conrey, but I can't 100 percent verify
19 that.

20 Q. He's white?

21 A. Yes.

22 Q. Westside Warriors, three down, one up,
23 right?

24 A. Correct.

25 Q. Do you know who Westside Warriors is?

1 A. No.

2 Q. But we know this is -- each one of these
3 is the eight -- your eight peers?

4 A. Yes.

5 Q. You're the only nonblack -- you're the
6 only black person --

7 A. Yes.

8 Q. -- of the peers, right?

9 A. Yes.

10 Q. And so whoever it is, you're doing better
11 than them?

12 A. Yes.

13 Q. And we know it's not Richard Holley
14 because he's Alamo?

15 A. That is correct.

16 Q. So they weren't put on a plan --

17 A. Correct.

18 Q. -- performance improvement plan or
19 terminated, right?

20 A. Right.

21 Q. And then there's Central Texas, which is
22 three down and one up.

23 You did better than Central Texas?

24 A. Yes.

25 Q. Not put on performance improvement plan?

1 A. No.

2 Q. Not terminated?

3 A. No.

4 Q. Q4 FY20. This shows your replacement?

5 A. Yes.

6 Q. Your replacement is only 87.7.

7 A. That is correct.

8 Q. Replacement is not doing as good as you
9 did?

10 A. No.

11 Q. And same thing on the next -- the last
12 page, 145340, 87.6, not doing as good as you?

13 A. Correct.

14 Q. And are you relying on any of this as part
15 of the reasons for your disputing that you failed
16 to -- all the things on the first page of 64?

17 A. Yes.

18 Q. And disputing the -- the plan that you
19 have?

20 A. Yes.

21 Q. And disputing your termination?

22 A. Yes.

23 Q. And disputing that they conducted a fair
24 investigation?

25 A. Yes.

1 MR. SANFORD: Pass the witness.

2 MR. BABCOCK: Let's take a break.

3 THE VIDEOGRAPHER: We're off the
4 record at 7:11.

5 (Recess 7:11 p.m. to 7:25 p.m.)

6 THE VIDEOGRAPHER: We're back on the
7 record at 7:25.

8 FURTHER EXAMINATION

9 BY MR. BABCOCK:

10 Q. Ms. Harris --

11 A. Yes.

12 Q. -- direct your attention, do you recall
13 responding to questions from your counsel about the
14 steps Michael Clark took or didn't take when he
15 investigated your concerns that you raised?

16 A. Yes.

17 Q. How do you know what steps Michael Clark
18 took during his investigation?

19 A. Because in his follow-up conversation and
20 then his letter response, there was no difference in
21 the treatment. And I confirmed with the people that
22 I listed on the details of the interview that he did
23 not reach out to them and even engage them to verify
24 any of the information that I provided.

25 Q. And who did you reach out to?

1 A. Richard Holley. I reached out to Brian
2 Conrey, and he was one of the few that did confirm
3 that he was interviewed. But --

4 Q. Okay.

5 A. -- Jaime Golden-McElroy, Rebecca Callahan,
6 all of them.

7 Q. Do you know who Michael Clark interviewed
8 for your various complaints?

9 A. I know for sure that he interviewed Brian
10 Conrey, but specifically the others, no.

11 Q. Do you know what documents Mr. Clark
12 looked at when he was conducting his investigations
13 into your complaints?

14 A. I know what documents I submitted to him
15 as evidence that contradicted the false allegations
16 that Michelle used in the letter of counseling and
17 letter of warning.

18 Q. Okay.

19 A. But outside of that, no, I don't know what
20 other documents he used.

21 Q. Okay. As a sales manager at FedEx, how
22 would you learn about open MD jobs in the sales
23 organization?

24 A. It was on portal -- the portal for Workday
25 is how we were able to look up details for jobs.

1 Q. And did you ever apply for an MD job?

2 A. No.

3 Q. Okay. You testified, I believe, about
4 several instances involving Grant Kuhn.

5 Do you remember that testimony?

6 A. Yes.

7 Q. Okay. One was about Gail Harris; is that
8 right?

9 A. Yes.

10 Q. And can you ballpark a time, like a year,
11 when that took place?

12 A. No, I can't recall.

13 Q. Okay. Was it before or after you started
14 raising concerns about Michelle Lamb at FedEx?

15 A. I don't recall specifically when it was.

16 Q. Okay. Do you recall where you were
17 working?

18 A. At FedEx.

19 Q. Do you recall where at FedEx you were
20 working or what job you had?

21 A. No. Specifically what position I had, no,
22 I don't recall.

23 Q. And how do you know what Gail Harris's
24 concerns were?

25 A. Because I talked to Gail Harris, and she

1 shared those concerns with several of the district
2 sales manager.

3 Q. Okay. Are you aware of anyone else that
4 raised complaints about Grant Kuhn?

5 A. Not specifically, no.

6 Q. Okay. Regarding Erika Tolar -- did I
7 pronounce her name right?

8 A. Tolar, yes.

9 Q. Can you spell that for me?

10 A. T-o-l-a-r.

11 Q. Okay. And where was she -- she was a
12 manager in Memphis?

13 A. No.

14 Q. Where was she a manager?

15 A. She was a manager in several places. She
16 was a manager in the inside sales office in Dallas
17 where she made the comment in reference to black
18 people being monkeys, then she was promoted to be my
19 manager in Houston in the field sales organization.

20 Q. Okay. And did you work in the Dallas
21 office at the time that Ms. Tolar made this comment?

22 A. Yes.

23 Q. Okay. And what was your job in the Dallas
24 office at that time?

25 A. I was an inside sales account executive.

1 Q. Okay. And did you tell anyone about that
2 comment?

3 A. I didn't have to tell anyone. I wasn't on
4 her team. Her team complained to HR about that and
5 then told us after the meeting.

6 Q. Okay. So am I correct you didn't complain
7 to anyone about Ms. Tolar's comments? Is that fair?

8 A. Not specifically the comment but the
9 treatment that she gave me, yes. It went to Pat
10 Galvin.

11 Q. Okay. I was first talking about the
12 comment. I just wanted to clear up you didn't
13 report that to anyone, correct?

14 A. I did not but her team did file a
15 complaint.

16 Q. Okay. And then her treatment of you dealt
17 with the LeadUp application, correct?

18 A. And my application to the district sales
19 manager role for inside sales in Memphis.

20 Q. All right. And you got the district
21 manager position -- you got promoted to the district
22 manager position inside sales before or after the
23 LeadUp --

24 A. LeadUp was --

25 Q. -- program?

1 A. -- first.

2 Q. Okay.

3 A. The promotion was second.

4 Q. All right. And I believe you testified
5 that Ms. Tolar canceled or attempted to cancel your
6 trip to the LeadUp -- LeadUp meeting; is that right?

7 A. She did cancel; not attempted.

8 Q. Okay. And that's where you raised the
9 concern to Pat Galvin, the VP?

10 A. Yes, that is correct.

11 Q. And then Pat Galvin -- strike that.

12 After you raised the concern to Pat
13 Galvin, you were permitted to go on the LeadUp?

14 A. Because he reinstated the trip, yes.

15 Q. Okay. So Pat Galvin did that is your
16 understanding?

17 A. Yes.

18 Q. Do you know for a fact that Pat Galvin did
19 that or is that just an assumption you're making?

20 A. No, he told me.

21 Q. Okay. Okay. So you went to the LeadUp
22 place and then program, correct?

23 A. Correct.

24 Q. And then you ultimately applied for the
25 management position and received -- was selected for

1 that position, right?

2 A. Yes.

3 Q. Reflecting now on all the preparation you
4 did for this deposition, can you think of any
5 specific details you could have or should have put
6 in your EEOC amended charge that's not in there?

7 A. Not at this time.

8 MR. SANFORD: Objection; form.

9 Q. Okay.

10 MR. BABCOCK: Let's go off the record
11 for a quick second.

12 THE VIDEOGRAPHER: We're off the
13 record at 7:31.

14 (Off the record.)

15 THE VIDEOGRAPHER: We're back on the
16 record at 7:33.

17 MR. BABCOCK: Ms. Harris, I don't have
18 any more questions. Good luck to you.

19 MR. SANFORD: Let me just ask one
20 thing, follow-up.

21 FURTHER EXAMINATION

22 BY MR. SANFORD:

23 Q. On the investigation, you talked to
24 Mark -- Michael Clark -- is that his name?

25 A. Yes.

1 Q. That's the one that -- and after he talked
2 to whoever he talked to and looked at whoever -- he
3 got your side of the story?

4 A. Correct.

5 Q. And then after he talked to and looked at
6 whatever documents, did he ever circle back to you
7 and say, look, what I found is conflicting, what do
8 you have to say to explain what these people say?

9 A. No.

10 Q. Never gave you that opportunity --

11 A. No.

12 Q. -- as part of his investigation?

13 A. No.

14 MR. SANFORD: Pass the witness.

15 MR. BABCOCK: No more questions.

16 THE VIDEOGRAPHER: Off the record at
17 7:33.

18 (Deposition concluded at 7:33 p.m.)
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Job No. CS5236668

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(Signature of the Witness)

THE STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me by the said
witness, JENNIFER HARRIS, on this the _____ day
of _____, 2022.

Notary Public in and for the
State of _____
County of _____

My commission expires: _____

Job No. CS5236668

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1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Michelle L. Munroe, Certified Shorthand
4 Reporter in and for the State of Texas, certify that
5 the foregoing deposition of JENNIFER HARRIS was
6 reported stenographically by me at the time and place
7 indicated, said witness having been placed under oath
8 by me, and that the deposition is a true record of
9 the testimony given by the witness;

10 That the amount of time used by each party at
11 the deposition is as follows:

Mr. Babcock - 6 hours, 16 minutes

12 Mr. Sanford - 11 minutes

13 I further certify that I am neither counsel for
14 nor related to any party in this cause and am not
15 financially interested in its outcome.

16 Given under my hand on this the 6th day
17 of June, 2022.

18
19
20 
21

Michelle L. Munroe, CSR No. 6011

22 Commission expires 1-31-24

Firm Registration #571

23 VERITEXT LEGAL SOLUTIONS

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25

1 Brian Sanford, ESQ.

2 bsanford@sanfordfirm.com

3 June 6, 2022

4 RE: Harris, Jennifer v. Fedex Corporate Services, Inc.
5 5/19/2022, Jennifer Harris (#5236668)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Erratas-cs@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,
23 Veritext Legal Solutions
24
25